

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

UNITED STATES OF AMERICA

vs.

CASE NO: 3:97CR0072-12 (SEC)

CESAR COLON-RIVERA

* * * * *

**MOTION NOTIFYING VIOLATIONS AND REQUESTING THE
ISSUANCE OF A SUMMONS**

TO THE HONORABLE SALVADOR E. CASELLAS
U.S. DISTRICT JUDGE
DISTRICT OF PUERTO RICO

COMES NOW, YVETTE VILLEGAS-OTERO, U.S. PROBATION OFFICER of this Court, presenting an official report on the conduct and attitude of releasee, Cesar C3lon-Rivera, who on March 5, 1999, was sentenced to serve an imprisonment term of one hundred and twenty (120) months after he plead guilty to violating Title 21 U.S.C.   846. A supervised release term of five (5) years was also imposed with the special condition of submitting to urinalyses and treatment if needed. A special monetary assessment in the amount of \$100 was imposed. On March 25, 2005, the offender was released from custody at which time the supervised release term commenced.

On March 9, 2006, a motion was filed requesting that the offender's supervision conditions be amended to include mental health. This petition was granted on March 10, 2006.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR
CAUSE AS FOLLOWS:**

The offender has violated the following conditions:

1. MANDATORY CONDITION - “THE DEFENDANT SHALL REFRAIN FROM THE UNLAWFUL USE OF A CONTROLLED SUBSTANCES AND SUBMIT TO A DRUG TEST WITHIN FIFTEEN (15) DAYS OF RELEASE ON SUPERVISED RELEASE, AT LEAST TWO PERIODIC TESTS THEREAFTER AND WHENEVER REQUESTED BY THE U.S. PROBATION OFFICER. IF ANY SUCH SAMPLES DETECT SUBSTANCE ABUSE, THE DEFENDANT SHALL, AT THE DISCRETION OF THE U.S. PROBATION OFFICER, PARTICIPATE IN A SUBSTANCE ABUSE TREATMENT PROGRAM, ARRANGED AND APPROVED BY THE U.S. PROBATION OFFICER UNTIL DULY DISCHARGED BY AUTHORIZED PROGRAM PERSONNEL WITH THE APPROVAL OF THE U.S. PROBATION OFFICER”

On April 25 and 27th, 2006, the offender reverted to the use of illegal substances and tested positive to the use of heroin. He immediately commenced receiving substance abuse and mental health treatment. As a preventive measure, he was also placed in the intensive urinalyses program. Shortly after, during the months between September and October, 2006, he failed to appear for urinalyses on four occasions. Mr. Colón-Rivera also failed to report to the drug abuse/mental health program on September 28 and and October 9, 2006. When confronted he admitted the use of heroin again and on February 8, 2007, was referred to a residential substance abuse treatment program, where he remained for two months. After his release from the substance abuse residential program he was placed in our outpatient substance abuse program to continue uninterrupted treatment. However, his illegal substance abuse continued and on July 20, August 21 & 31, 2007 he

failed to report for urinalyses and tested positive to the use of heroin on September 5, 2007.

2. STANDARD CONDITION NO. 2 - "THE DEFENDANT SHALL REPORT TO THE PROBATION OFFICER AS DIRECTED BY THE COURT OR PROBATION OFFICER AND SHALL SUBMIT A TRUTHFUL AND COMPLETE WRITTEN REPORT WITHIN THE FIRST FIVE DAYS OF EACH MONTH."

On May 30 and August 10, 2007, the offender failed to report to this office as instructed. He also failed to submit his monthly supervision reports on a timely manner from January through August 2007.

3. STANDARD CONDITION NO.11 - " THE DEFENDANT SHALL NOTIFY THE PROBATION OFFICER WITHIN SEVENTY-TWO HOURS OF BEING ARRESTED OR QUESTIONED BY A LAW ENFORCEMENT OFFICER."

On September 21, 2006, information was received from local authorities that the offender was questioned pertaining to a local investigation. It wasn't until October 31, 2006, when confronted, that Mr. Colón-Rivera admitted being part of an investigation.

4. STANDARD CONDITION - "IT IS ORDERED THAT THE DEFENDANT SHALL PAY A SPECIAL ASSESSMENT OF \$100."

The offender has an outstanding balance of \$75 of his special monetary assessment.

WHEREFORE, I declare under a penalty of perjury, that the foregoing is true and correct. In light of the aforementioned, it is respectfully requested that the Court issue a summons so that Mr. Colón-Rivera may appear before this Honorable Court to show cause

why his supervised release should not be revoked. Thereupon, he to be dealt with pursuant to law.

In San Juan, Puerto Rico, this 3rd day of October 2007.

Respectfully submitted,

EUSTAQUIO BABILONIA, CHIEF
U.S. PROBATION OFFICER

s/ Yvette Villegas
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CERTIFICATE OF SERVICE

I HEREBY certify that on October 3, 2007, I electronically filed the foregoing motion with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: Thomas F. Klumper, Assistant U.S. Attorney, and Joseph Laws, Federal Public Defender.

In San Juan, Puerto Rico, this 3rd day of October 2007.

s/ Yvette Villegas-Otero
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